

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
v.) No. 08 CR 107
LAWRENCE SKROBOT, et al.) Judge Elaine E. Bucklo

UNITED STATES' STATUS REPORT

The United States of America, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, hereby files this status report, in advance of the May 9, 2008, status in the above-captioned case.

I. Motions

At the March 7, 2008, status, the government reiterated what it had previously set forth in its Rule 16 letters to defendants, namely that it would disclose the following materials one month before trial: *Giglio*, *Brady*, 404(b), expert disclosures and confidential informant information. Also at that status, this Court agreed to postpone the date for filing pretrial motions until it knew which, if any, defendants were proceeding to trial. This arrangement was struck so this Court's resources would not be spent deciding routine pretrial motions that could likely be resolved by agreement among the smaller group of defendants proceeding to trial. At the time, it postponed responses to the motions already filed by defendants Donald Thomas and Kevin Earl.

Since the last status hearing, defendants have filed the following motions, and the government takes the following position as to each:

A. James Green's Pretrial Motions

- Motion to Sever: This motion is premature, as it will likely be mooted, or determined, by which, if any, defendants remain in the case after others plead. The government asks that the Court postpone a response date until the parties know who is going to trial.
- Motion for a List of Witnesses: The government will produce this one month before trial. It cannot produce any such list now, as the list depends on which defendants plead guilty.
- Motion for Expert Disclosure and a *Daubert* Hearing: This motion is premature, as the government does not yet know whether, or which, experts it might call to testify. Indeed, it cannot make that determination until it knows which defendants are pleading guilty. Moreover, as the government stated at the March status hearing, it will turn over any expert witness material one month before trial.
- Motion for Production of Favorable Evidence: The government will turn over any such evidence one month before trial.

- Motion Requiring a Santiago Proffer: This motion is premature. If the government seeks to admit co-conspirator statements, it will of course file a Santiago proffer, and will do so one month before trial.

B. Skrobot Motion to Withdraw Due To Potential Conflict

The government has no objection to this motion. It should not delay plea negotiations, and in fact appears to be filed to allow plea negotiations to continue.

C. Braziel's Unopposed Motion to Amend Conditions of Pretrial Release to Remove Electronic Monitoring Bracelet

The government does not oppose this motion as long as Braziel's bond conditions are modified in such a way as to keep him on home confinement, and he checks in with Pretrial Services as required by them.

D. Agreed Motion of Alfredo Hilado to Travel Outside the Northern District of Illinois

The government agrees to this motion.

E. Agreed Motion to Allow [Jonathon Marchetti] for Travel Outside the Northern District of Illinois

The government agrees to this motion.

II. Plea Negotiations

The government is engaged in plea negotiations with 16 of the 18 charged defendants. The nature of this complex fraud case, which involves hundreds of fraudulently acquired properties, requires additional time to continue those negotiations and hopefully reach a resolution, without proceeding to trial. To that end, the government requests another 60 days to continue plea negotiations. As defendants are prepared to plead, the parties can contact the Court's clerk and arrange for the pleas to proceed before our next status hearing. None of the defendants are in pre-trial detention, so this extension should not prejudice anyone, and it should make future proceedings more efficient.

III. Pretrial Services Report on Kevin Earl

On April 30, 2008, Pretrial Services filed a report stating Earl was arrested on April 17, 2008, on a warrant that had been issued for failing to appear on an outstanding traffic offense. Earl did not report the law enforcement contact to Pretrial Services. The report asks this Court to verbally admonish Earl to comply with all local, state and federal laws, and the government makes the same request.

Dated: May 8, 2008

Respectfully submitted,

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Certificate of Service

The undersigned Assistant United States Attorney hereby certifies that in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR 5.5 and the General Order on Electric Case Filing (ECF), that the United States' Status Report was served on all counsel identified on the attached service list, pursuant to the district court's ECF system, on May 8, 2008.

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